

## Message Text

LIMITED OFFICIAL USE

PAGE 01 NEW DE 11742 041501Z

64

ACTION SCS-03

INFO OCT-01 NEA-09 ISO-00 SCA-01 L-03 SY-04 /021 W

----- 021074

R 041400Z SEP 74

FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC 3675

LIMITED OFFICIAL USE NEW DELHI 11742

FOLLOWING TEL SENT ACTION NEW DELHI FROM CALCUTTA ON SEP 4 1974  
NOW REPEATED FOR YOUR INFO

QUOTE

LIMITED OFFICIAL USE CALCUTTA 1825

E.O. 11652: N/A

TAGS: CASC, PFOR, IN

SUBJ: HARCOS/FLETCHER

SUMMARY: ONE AUGUST 3, THE COURT MADE AVAILABLE TO THE  
DEFENSE LAWYERS AND THE ACCUSED A RULING PROVIDING FOR HOUSE  
ARREST AND NAMING A SPECIFIC ADDRESS TO WHICH THE PRISONERS  
COULD BE RELEASED. UNFORTUNATELY, THIS PARTICULAR FLAT PROVED  
TO BE UNAVAILABLE, BUT THE SEARCH IS ON FOR ANOTHER. THERE IS  
NO MENTION TO CONSULAR ACCESS TO THE PRISONERS IN THE ORDER,  
AND WE WILL PROMPTLY PETITION THE COURT TO ESTABLISH THAT  
RIGHT. END SUMMARY.

2. DEFENSE LAWYER BHOSE INFORMED ME LAST NIGHT OF RULING MADE  
BY THE CITY SESSIONS COURT ON BAIL MATTER YESTERDAY. HE MADE  
TEXT OF RULING AVAILABLE TO US THIS MORNING.

QUOTE APPLICATIONS FOR BAIL OR HOUSE ARREST MADE ON BEHALF  
OF THE ACCUSED R. W. HARCOS AND A. A. FLETCHER ARE TAKEN  
UP FOR CONSIDERATION. AT THIS STAGE ACCUSED R. W. HARCOS FILES  
A PETITION MENTIONING THEREIN ALTERNATIVE FLAT HE PROPOSES  
TO HIRE FOR RESIDENCE OF HIMSELF AND BY THE ACCUSED FLETCHER  
JOINTLY. ON BEHALF OF THE STATE A PETITION HAS BEEN FILED

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 NEW DE 11742 041501Z

WHEREIN IT IS STATED THAT THE PROSECUTION APPROVES THE

RESIDENCE OF THE TWO ACCUSED IN THE TWO ROOMED FLAT ON THE GROUND FLOOR OF 8 SUDDER STREET, CALCUTTA, PROVIDED RESTRICTIVE CONDITIONS ARE IMPOSED VIZ, THAT THE ACCUSED WILL ALLOW CONSTANT POLICE GUARD TO BE MAINTAINED THERE AND NO OUTSIDER SHALL HAVE ANY COMMUNICATION WITH ANY OF THE ACCUSED EITHER OVER TELEPHONE OR DIRECTLY. THEIR LAWYERS AND PHYSICIAN, IF NECESSARY, MAY BE GRANTED RIGHT OF ACCESS TO THE ACCUSED AT THE FLAT WITH PRIOR NOTICE TO THE PROSECUTION AND WITH THE APPROVAL OF THE COURT. I UNDERSTAND THAT THE MATTER OF HIRING OF THE FLAT AT 8, SUDDER STREET HAS NOT YET BEEN FINALIZED. SUBJECT TO THE CONDITIONS MENTIONED ABOVE ACCUSED MAY FINALIZE HIRING OF THE FLAT AT 8, SUDDER STREET AND INFORM THE COURT IMMEDIATELY AFTER THE HIRING HAS BEEN FINALIZED AND THE FLAT HAS BEEN MADE READY FOR OCCUPATION BY THE ACCUSED. FINAL ORDERS ON THE APPLICATION UNDER CONSIDERATION WILL BE PASSED AFTER THE COURT HAS BEEN INFORMED OF THE FINALIZATION OF THE HIRING OF THE FLAT AND ITS BEING MADE READY FOR OCCUPATION BY THE ACCUSED. IF THE ACCUSED ARE EVENTUALLY PERMITTED TO SHIFT TO THE FLAT SUBJECT TO THE ABOVE RESTRICTIVE CONDITIONS EACH OF THE ACCUSED WILL HAVE TO FURNISH SECURITY FOR RS. 10,000 WITH TWO SURETIES OF \$S.5000 EACH. PUT UP FOR FURTHER ORDERS ON SEPT. 5, 1974.

"THE ORDER RECORDED ABOVE DOES NOT DISCLOSE ANYTHING PREJUDICIAL TO THE SAFETY OF THE STATE AND THE ID. P. P. HAS NO OBJECT TO THE COPY OF THE ORDER BEING GRANTED TO THE ACCUSED FREE OF COSTS TO ENABLE THEM TO FINALIZE HIRING OF THE FLAT. ACCORDINGLY A PLAN PAPER COPY OF THE ORDER IS FURNISHED TO EACH OF THE ACCUSED. UNQUOTE.

3. BHOSE ALSO INFORMED ME THAT HE HAD BEEN TO 8 SUDDER STREET EARLIER IN THE EVENING AND HAD FOUND THAT THE LANDLORD REFUSES TO RENT THE FLAT. HE HAS A HOUSE AGENT LOOKING FOR OTHER POSSIBILITIES AND FEELS THAT, SINCE THE PRINCIPAL HAS NOT ONLY BEEN ACCEPTED BUT STATED IN SUCH AN OPEN FORM, THAT A SUITABLE FLAT WILL BE LOCATED SOON.

4. THE COURT ORDER IS NOTABLE FOR THE ABSENCE OF ANY REFERENCE TO CONSULAR ACCESS TO THE PRISONERS UNDER THEIR NEW STATUS. WE WILL PROMPTLY PETITION THE COURT TO ESTABLISH OUR RIGHT LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 NEW DE 11742 041501Z

TO SUCH ACCESS WITH A VIEW TO HAVING IT CLEARLY ACCEPTED BY THE TIME THE PRISONERS ARE ACTUALLY MOVED. PICKERING

UNQUOTE. MOYNIHAN

LIMITED OFFICIAL USE

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CITIZEN PROTECTION, PRISONERS RELEASE, CONSULAR LEGAL ASSISTANCE, TRIALS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 04 SEP 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** shawdg  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1974NEWDE11742  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D740245-0269  
**From:** NEW DELHI  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1974/newtext/t19740976/aaaacmgo.tel  
**Line Count:** 112  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION SCS  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** SES TO RENT THE FLAT, HE HAS A HOUSE  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** shawdg  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 16 AUG 2002  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <16-Aug-2002 by cunninfx>; APPROVED <27 FEB 2003 by shawdg>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** HARCOS/FLETCHER SUMMARY: ONE AUGUST 3, THE COURT MADE AVAILABLE TO THE  
**TAGS:** CASC, PFOR, IN, (HARCOS), (FLETCHER)  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005